

# SENATE BILL No. 301

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-8-2-318; IC 15-2.1-25.

**Synopsis:** Domesticated deer farms. Provides procedures for the state board of animal health to issue permits to operate a cervidae livestock facility to persons who meet certain requirements. Requires a cervidae livestock facility to be inspected and wild and free ranging cervidae to be removed from the facility before a permit is approved. Provides for penalties.

**Effective:** July 1, 2002.

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**Jackman**

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January 7, 2002, read first time and referred to Committee on Rules and Legislative Procedure.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 301

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 14-8-2-318 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 318. "Wild animal" has  
3       the following meaning:

4               (1) For purposes of IC 14-22, except as provided in subdivision  
5               (2), an animal whose species usually:

6                     (A) lives in the wild; or

7                     (B) is not domesticated.

8               (2) For purposes of IC 14-22-38-6, the meaning set forth in  
9               IC 14-22-38-6.

10       **The term does not include cervidae located on a cervidae livestock**  
11       **facility under IC 15-2.1-25.**

12       SECTION 2. IC 15-2.1-25 IS ADDED TO THE INDIANA CODE  
13       AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
14       JULY 1, 2002]:

15       **Chapter 25. Cervidae Livestock Facilities**

16       **Sec. 1. As used in this chapter, "board" refers to the Indiana**  
17       **state board of animal health established by IC 15-2.1-3-1.**



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1       Sec. 2. As used in this chapter, "cervidae livestock facility"  
2 means privately owned cervidae livestock on privately owned land.

3       Sec. 3. As used in this chapter, "cervidae livestock operation"  
4 means a cervidae livestock facility that is operated to produce,  
5 grow, propagate, use, harvest, transport, export, import, or market  
6 cervidae species or cervidae products.

7       Sec. 4. (a) This chapter does not give a cervidae livestock facility  
8 the authority to take wild or free ranging cervidae unless  
9 authorized by the department of natural resources.

10       (b) Except as provided in subsection (c), a person who has a  
11 cervidae livestock facility permit is not required to obtain a license  
12 or permit from the department of natural resources to own or  
13 harvest privately owned cervidae.

14       (c) A person may not use a bow and arrow or a firearm,  
15 including a shotgun, handgun, or muzzle loading gun, to harvest  
16 privately owned cervidae unless the person has obtained a license  
17 or permit from the department of natural resources. However, this  
18 subsection does not apply to the use of a firearm in the harvest of  
19 privately owned cervidae in conjunction with the operation of a  
20 slaughtering facility.

21       (d) Cervidae livestock operations are agricultural enterprises  
22 and are part of the farming and agricultural industry in Indiana.

23       Sec. 5. (a) Except as provided in subsection (b), a person must  
24 obtain a cervidae livestock facility permit to operate a cervidae  
25 livestock facility.

26       (b) An entity is not required to obtain a permit under this  
27 chapter if the entity is:

- 28       (1) a research facility;
- 29       (2) a circus; or
- 30       (3) a publicly or privately owned zoological park or petting  
31 zoo;

32       that is licensed or registered by the United States Department of  
33 Agriculture under the federal Animal Welfare Act of 1970, as  
34 amended (7 U.S.C. 2131 et seq.).

35       Sec. 6. (a) To apply for an initial cervidae livestock facility  
36 permit, a person must submit to the board the following:

- 37       (1) An application with the following information:
  - 38       (A) The name and address of the applicant.
  - 39       (B) The location of the proposed cervidae livestock facility,  
40 including the legal description of the land, size of the land,  
41 and address.
  - 42       (C) The cervidae species and the maximum number of

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cervidae proposed to be allowed at the cervidae livestock facility location.

(D) The applicant's business plan, including the methods, protocols, and procedures the person intends to implement to comply with this chapter.

(E) The actions and precautions taken to prevent the transmission of disease among or between wild or free range cervidae and privately owned cervidae, including methods of fencing and animal identification.

(F) The proposed method to remove wild or free ranging cervidae from the proposed facility and the proposed method to verify that the wild or free ranging cervidae have been removed, if applicable.

(G) The record keeping system that will be used.

(H) The current zoning ordinances that apply to the proposed facility.

(I) Any ordinances concerning fences that apply to the facility.

(J) Any other information required by the board.

(2) The application fee determined by the board.

(b) The board shall forward a copy of the initial application to the county commissioners and any area plan commission or board of zoning appeals where the proposed cervidae livestock facility will be located. Within thirty (30) days after receipt of the application, the local unit of government may respond to the board indicating if the applicant's cervidae livestock facility would violate a local zoning or fence ordinance.

Sec. 7. The board shall inspect a proposed cervidae livestock facility not more than thirty (30) days after the applicant has informed the board that the facility is completed and ready to be inspected.

Sec. 8. (a) The board shall issue a cervidae livestock facility permit to a person when all the following requirements have been met:

(1) A completed application has been submitted.

(2) The application fee has been paid.

(3) The cervidae livestock facility has been inspected and meets the board's:

(A) operational standards; and

(B) fencing and construction requirements.

(4) The facility complies with the business plan submitted to the board.

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(5) The applicant has taken actions to remove the wild or free ranging cervidae species from the cervidae livestock facility proposed under section 6(a)(1)(F) of this chapter and has verified that those animals have been removed.

(6) The applicant can appropriately identify the facility's individual cervidae.

(7) The cervidae livestock facility complies with local zoning and fence ordinances. If the board does not receive a response from a local unit of government under section 6(b) of this chapter indicating that the proposed facility would violate a local zoning or fence ordinance, the board may presume that the facility complies with the local zoning and fence ordinances.

(b) If the board denies an applicant a cervidae livestock facility permit, the board shall give the applicant a written denial that specifies the deficiencies that need to be corrected in order for a permit to be issued. Without filing a second application, an applicant may submit a revised application and request a second inspection after the deficiencies have been corrected.

(c) A cervidae livestock facility permit expires three (3) years from the date the permit is issued.

**Sec. 9. A cervidae livestock facility permit must contain the following information:**

(1) The complete name, business name, and business address of the cervidae livestock facility permit holder.

(2) The permit registration number and expiration date.

(3) The complete address of the cervidae livestock facility location.

(4) The cervidae species and the maximum number of cervidae allowed at the cervidae livestock facility location.

(5) The complete name, address, and telephone number of the board contact person concerning cervidae livestock facilities.

**Sec. 10. The board shall adopt rules under IC 4-22-2 to regulate the following:**

(1) The operational standards for cervidae livestock facilities.

(2) Application and renewal fees. The fees must be determined by the size of the facility and the number of cervidae located at the facility. However, the fees may not exceed:

(A) five hundred dollars (\$500) per facility; or

(B) fifty dollars (\$50) for small facilities that do not operate commercially.

All fees collected under this subdivision shall be deposited in

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the board's general operating account.

(3) Fence height and construction requirements for different species of cervidae.

(4) Standards to appropriately identify individual animals.

(5) Standards and procedures to renew or amend cervidae livestock facility permits.

(6) The establishment of different classes of cervidae livestock facility permits for distinct types of cervidae livestock facilities and the establishment of different standards under this subdivision for each class of facility.

(7) Any other matters that are necessary to implement this chapter.

Sec. 11. (a) The board shall send a cervidae livestock facility permit holder a renewal application at least sixty (60) days before the expiration of the holder's permit.

(b) If the holder of a cervidae livestock facility permit submits a complete renewal application and renewal fee to the board before the expiration of the permit, the expiration of the current permit is extended until the renewal application is approved or denied.

Sec. 12. The board may inspect any cervidae livestock facility and collect samples or specimens at the facility during normal business hours.

Sec. 13. If a cervidae livestock facility is sold or transferred, the new owner shall inform the board in writing not more than ten (10) business days after the sale or transfer. The new owner of the cervidae livestock facility may operate under the existing cervidae livestock facility permit for:

(1) one hundred eighty (180) days; or

(2) until the existing permit expires;

whichever occurs first.

Sec. 14. (a) A person may not release cervidae from a cervidae livestock facility into the wild.

(b) A holder of a cervidae livestock facility permit shall inform the board within one (1) business day if a cervidae escapes from a cervidae livestock facility.

(c) A person may not intentionally or knowingly cause the ingress of wild cervidae into a cervidae livestock facility.

Sec. 15. (a) The board may deny, suspend, revoke, or limit a cervidae livestock facility permit if, after a hearing, the board determines that the applicant or holder of the permit has failed to comply with this chapter or standards adopted by the board.

(b) The board shall issue written notice to the applicant or

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1     permittee stating the board's action, the opportunity for a hearing  
2     under IC 4-21.5, and the procedure and time limit for requesting  
3     a hearing. If the applicant or permittee does not request a hearing  
4     before the board within fifteen (15) days after receiving the notice,  
5     the right to a hearing before the board is waived and the notice  
6     becomes the final order under IC 4-21.5. If a hearing is requested,  
7     the hearing shall be held in compliance with IC 4-21.5.

8     Sec. 16. A person who violates section 5 or 14 of this chapter  
9     commits a Class B infraction.

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